

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

October 10, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 10, 2002, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Bud Hentzen, Chair; Kerry Coulter, Vice-Chair; Dorman Blake; Elizabeth Bishop; Ron Marnell; Don Anderson; Harold Warner; John McKay, Jr.; Frank Garofalo; Ray Warren; James Barfield; David Wells. Jerry Michaelis and Bill Johnson were not present. Staff members present were: Mike Lindebak, Secretary; Dale Miller, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Donna Goltry, Principal Planner; Jess McNeely Associate Planner; Jamsheed Mehta, Transportation Supervisor; and Rose Simmering, Recording Secretary.

1. Approve and Adopt the Unified Planning Work Program (UPWP) for 2003, presented by Jamsheed Mehta.

JAMSHEED MEHTA, Planning staff, presented staff report:

GAROFALO Review and recommend the MPO structure; is that going to involve some restructure process?

MEHTA Following my presentation to you two months ago, City and County and Planning staff sat down with KDOT to see if we need to change things and what needs to be done to meet the federal regulations. The discussions in these meetings may lead to adjustments, like adding representation from counties outside of Wichita and Sedgwick County, or it can be wholesale changes.

BLAKE Regarding the South Area Study, all this will be in the south area of Wichita only?

MEHTA Yes.

HENTZEN On page 11 of attached material it states, It is likely that the MAPC may not continue to serve as the MPO for the region in 2003. Two reason for an eminent change are 1) lack of representation from areas outside Sedgwick County that are now part of the Wichita Urbanized Area and 2) lack of local elected officials on the policy body as required by federal legislation. How did you come to that conclusion and who mandated the change?

MEHTA This is federal law, There are two players, State and local MPO recognized in the law. The Governor through KDOT needs to clarify if local elected officials are required. If the State feels it is not a big deal because you are appointed by elected officials, then MAPC can continue as the MPO.

HENTZEN There are a few other counties involved, Sumner and Butler County. The population of those two together doesn't add too much to the Census for our Board.

MEHTA Correct.

HENTZEN On page 28 and page 29, I am looking at the 2 million dollar figure totals. What part of that, if any, is reflected in the City budget for the Planning Department, and what about the local match?

MEHTA My salary, Dave Barber's salary, and part of the Principal Planner in Transportation are from general funds, which would be City and County general funds, and combined, it provides the local match.

HENTZEN We can not think of this as adding those numbers together. The City budget book of 2 million, it would be incorrect to add those two together correct?

LINDEBAK You would not add those together because they are in the City and County books, and the Wichita City Council (WCC) and Sedgwick County Board of County Commission (BOCC) have already approved the funding that is the matching for this. That slide that said WCC and BOCC concurrence is just a formality and giving the federal government documentation that their salaries are in the budget.

MOTION: To approve and adopt the UPWP 2003, and authorize the chairman to sign on behalf of the MPO.

ANDERSON moved, **COULTER** seconded the motion, and it carried (11-0).

BISHOP I have a question about the Agenda. I would like to note that we have not received minutes for a while now.

MILLER It is because they are 55 pages long, and I have not had time to get through them.

2. Approve Transportation Enhancement project applications (for 2004-2005) for submission to KDOT, presented by Jamsheed Mehta.

JAMSHEED MEHTA, Planning staff, presented staff report:

BISHOP Where is the County line on that slide? That is part of the urbanized land now?

MEHTA (Showing county line on slide).

ANDERSON One of the categories is historic preservation of transportation projects. What does that mean?

MEHTA Examples are the John Mack Bridge over the river, the Kansas Firefighters Museum, and the Kansas Aviation Museum. These are sponsored by private groups. Since the State does not recognize them as entities, the City assists by fronting their projects.

ANDERSON What kind of input did you get from different groups to use these monies?

MEHTA (Showed slide with list of dates and events for Application Development Schedule. We kicked off on July 24 and these are all the meetings you see we went to. We sent out flyers and packets to every neighborhood group, hiker and biker clubs, preservation groups, and got input from them.

ANDERSON The local share on these projects, where is that contained in capitol improvements?

MEHTA If these project are approved in the next round of the CIP process, then they will be included as the local share.

ANDERSON They are going to agree to funding projects before doing them?

MEHTA Yes.

LINDEBAK The City of Wichita CIP has the funds in there and those would be used for matching funds.

MEHTA That's right, the CIP includes a line item called Enhancement Funding, but the individual projects are not identified until later.

LINDEBAK Once selected they are called out as separate projects.

WARREN There was a project that was approved and hasn't been done yet. Are there projects like that in the mill?

MEHTA If they have been approved, it is just waiting for design work.

BISHOP I want to know the status on those projects.

LINDEBAK Maybe we can get David Spears to answer about enhancement projects at the next meeting.

BLAKE You talk about extensions of projects, how long are we looking out as far as time?

MEHTA The 2004 & 2005 projects. Future extensions are in the pathways plan here. The dashes are long-range plans.

WARNER Are these ranked in order when you make a presentation to the public?

MEHTA We don't rank them or put them in any order because we prepare some of the applications and other staff from other cities may not want to see theirs last and ours first. We just send them all in one package and let KDOT decide. KDOT does have its own rating and screening criteria.

GAROFALO The KDOT share is that state money or federal?

MEHTA This is federal money.

HENTZEN If you have something designed and ready to go doesn't that affect KDOT'S attitude? If we are ready to go with our design and project doesn't that help?

MEHTA Yes, that is true for some funding programs like the system enhancement program for example. That criteria does not apply for the federal transportation program. Actually, it doesn't take long to put together a plan for bike paths.

MOTION: To approve the transportation enhancement project for submission to KDOT, and authorize the chairman to sign on behalf of the MPO.

ANDERSON moved, **WARNER** seconded the motion, and it carried (11-0).

3. Appointments to Advance Plans Committee, Subdivision Committee, and a representative for Central Plains Quad-County Planning Forum.

HENTZEN Appointments to Advance Plans will be as follows: Commissioner Marnell, Commissioner Garofalo, Commissioner Michealis, Commissioner McKay, Commissioner Coulter, Commissioner Anderson and Commissioner Hentzen. Commissioner Marnell serving as Chair.

Appointments to Subdivision Committee are as follows: Commissioner Johnson, Commissioner Warner, Commissioner Warren, Commissioner Barfield, Commissioner Wells, Commissioner Bishop, and Commissioner Blake. Commissioner Johnson serving as Chair.

Representative for Central Plains Quad-County Planning Forum: I have been serving on that, and I would be able and willing to continue to serve if there are no objections.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARREN** seconded the motion, and it carried (11-0).

HENTZEN We need to pull out Agenda Item 4-4 for further discussion.

4-1. SUB2002-00074 – Final Plat – THE WATERFRONT ADDITION, located on the northeast corner of 13th Street and Webb Road.

- A. Prior to this plat being forwarded to the City Council, the applicant shall apply for annexation to Wichita. If the annexation is completed prior to the plat's submittal for City Council review, only City Council approval and not County approval will be necessary.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- C. An easement needs to be platted within Reserve C for a proposed sewer line.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. **City Engineering** needs to comment on the status of the applicant's drainage plan. *The drainage plan is approved.*
- F. *A petition is needed for turn lanes at the entrances along with decel lanes; although no decel lane is needed for the south opening for Lot 9, Block 1, or for Lot 8, Block 1.*
- G. *Traffic Engineering has approved three openings along Webb Road. Two openings 400 feet apart are permitted for Lot 9, Block 1 conditioned upon a petition for a left turn lane extending to Feels Pointe. One opening is permitted for Lot 2, Block 1 to be located in alignment with Greenleaf. One opening (right turns only) is permitted along 13th St. North for the western portion of Lot 8, Block 1.*

Access controls have been revised as requested; however the exact location of the opening for Lot 2, Block 1 needs to be denoted. "Right turns only" needs to be denoted for the opening for Lot 8, Block 1. For Lot 9, Block 1, the south opening needs to be "right-turns only" if the opening is less than 400 feet from the opening to the north.
- H. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- I. The Applicant shall guarantee the paving of the proposed street to the business/industrial street standard.
- J. The use of Reserves for utilities located within platted easements should be referenced in the plat's text.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARREN** seconded the motion, and it carried (11-0).

4-2. SUB2001-00017 – One-Step Final Plat – BENTLEY MEADOWS ADDITION, located south of 109th Street North and on the west side of 135th Street West.

- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. *In accordance with the zone change, no development shall occur until individual, on-site, alternative sewer systems are permitted by County Code Enforcement. A restrictive covenant shall be submitted to that effect.*
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. *A revised drainage plan is needed to reflect the new lot layout. The drainage plan needs to identify outlet for the*

detention pond and method of achieving positive drainage away from the site.

- D. The plat shall be corrected to reference complete access control along the plat's frontage to 135th St. West. The final plat shall reference the access controls in the plat's text.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- F. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. The proposed Access Management Policy requires a 60-ft half-street right-of-way width along rural arterials. **The Subdivision Committee has approved a waiver of the required 60-ft right-of-way along 135th Street. A 50-ft right-of-way is approved.**
- H. **County Fire Department** needs to comment on the plat's street names. **Hunter needs changed to Aurora Ct. Emily needs changed to 105th St. N. Autumn needs changed to 107th St. N.**
- I. County Engineering requests the installation of Hunter Street to a 36-ft rock standard. **The Subdivision Committee has required the Applicant to guarantee the installation of all internal streets to the 32-foot standard.**
- J. Because of the landlocked nature of Reserve A, a means of access shall be provided to such a Reserve.
- K. In accordance with the zone change approval, the applicant shall provide a guarantee for a four-inch layer of "AB-3" rock sub-surface, and a two-inch layer of sand and gravel surface material, to be placed on 135th Street adjacent to this property extending to 109th St. This improvement shall be done to the existing standards of the county, and shall be approved by the County Public Works Director.
- L. The Applicant is advised that if platted, the building setbacks may be reduced to 30 feet from the interior streets.
- M. The Applicant has provided a 70-ft contingent dedication of street right-of-way extending to the west property line. On the final plat tracing, the contingent dedication of right-of-way needs to be referenced in the plat's text. The language should state that "the contingent street dedications are hereby contingently dedicated as street right-of-way to become effective upon the platting of any adjacent subdivision having a street connecting thereto. The costs of constructing said street, are to be borne by the person(s) or agency that owns said adjacent subdivision."
- N. On the final plat, the MAPC signature block needs to reference "Bernard A. Hentzen, Chair".
- O. **County Surveying** has advised that property corners to be installed need shown.
- P. The centerline of Emily Street and Autumn Street needs located along the section line.
- Q. The dimension on the east line of Lots 9 and 11, Block 2, needs added.
- R. Block 1 has duplicate Lot numbers, and needs renumbered.
- S. Block 2 needs labeled.
- T. The curve data on the north line of the subdivision needs shown on the face of the plat.
- U. The interior streets need to be installed prior to plat development with the streets being approved and accepted by the county
- V. **County Fire** request restrictive covenants which requires access drives to any structures in access of 150 feet from the edge of the road be installed prior to the start of any above grade construction work. Such drive to be installed according to fire department specifications:
 - a) 20 feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather.
 - b) The surface will need to be an all weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
- W. The name of the mortgage holder listed on the plat should correspond with the name listed on the platting binder.
- X. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- Y. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Z. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- AA. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- BB. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- CC. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- DD. Perimeter closure computations shall be submitted with the final plat tracing.
- EE. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- FF. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Westar Energy has requested additional easements.
- GG. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARREN** seconded the motion, and it carried (11-0).

4-3. SUB2002-00098 – One-Step Final Plat – REMINGTON PLACE SECOND ADDITION, located on the south side of 21st Street North, east of Webb Road.

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. Minimum pads need to be platted for the lots adjoining Reserve A. A guarantee is needed for drainage improvements.
- D. The plat proposes one access opening along 21st St. North. **Traffic Engineering** requires that this opening be relocated to the east property line to allow for full turning movements. MAPD requests that complete access control to Lots 11 and 12 be dedicated along Cranbrook.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- F. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- H. The plat's text shall note the dedication of the streets to and for the use of the public.
- I. The applicant shall guarantee the paving of the proposed interior streets.
- J. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street drainage and utility easements", a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.

- K. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 32-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- L. On the final plat, the MAPC signature block needs to reference "Bernard A. Hentzen, Chair".
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. Due to the 32-ft streets, a zone change to SF-5, Single-Family District is needed for the lots abutting this street. The applicant intends to revise the boundaries of the zone change to exclude the residential lots.
- O. **GIS** has requested a new street name for Remington.
- P. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Westar Energy has requested additional easements.
- Y. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARREN** seconded the motion, and it carried (11-0).

4-4. SUB2002-00060 – Revised One-Step Final Plat –ALBERT ACRES ADDITION, located on the east side of 151st Street West and south of Central.

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. A restrictive covenant is needed limiting the site to one dwelling unit.
- B. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer and water services.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. Since this plat is located in an area where public services are planned to be available for higher density development, in accordance with the Subdivision Regulations, the Applicant has platted lots so they may be readily converted to urban-type building sites without replatting. A restrictive covenant shall be submitted tying the lots together and limiting the site to one dwelling unit until the property is annexed, and municipal water and sanitary sewer services become available. The covenant shall also restrict the location of structures on this plat to avoid interference with the possible future streets, easements and setbacks and limit future development until submittal of a paving petition.

- E. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. **The applicant shall increase the lot widths to 100 feet to reduce the lot width to depth ratio to 2.8:1. The Subdivision Committee has approved a modification for the lot width to depth ratio and also for the size of the lots.**
- F. The labelling of the entire plat as "Lot 1" should be deleted.
- G. A 20-ft sewer easement is needed along the north property line.
- H. The platlor's text should reference "lots".
- I. **County Engineering** needs to comment on the status of the applicant's drainage plan. **The plat needs to reflect floodway reserves to carry off-site drainage through the plat. The drainage plan needs to be revised to reflect the ultimate lot layout.**
- J. The platlor's text shall denote the creation of the floodway reserves in addition to including the standard floodway language.
- K. The plat proposes one access opening along 151st St. West. MAPD recommends that the opening would be required to be closed upon construction of the new street.
- L. In the owner's certificate, the word Wichita needs to be removed.
- M. The southwest corner of the plat section corner needs to be labeled as the southwest corner of the northwest quarter.
- N. **County Fire Department** requests a restrictive covenant which requires the access driveways to any structure in excess of 150 feet from the edge of the "contingent street dedication" be installed prior to the start of any above grade construction work. Such access driveway to be installed according to fire department specifications when the contingent street dedication is activated. The covenant needs to also require the installation of the street in accordance with county roadway specifications prior to development of the individual lots. The access driveway specifications are:
 - a) 20 feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather.
 - b) The surface will need to be an all weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
- O. **County GIS** needs to comment on the street name. **County GIS has requested the new street be named Bluegrass. The Subdivision Committee did not require a street name at this time.**
- P. The Applicant needs to verify the location of the pipeline easement indicated in the platting binder. The easement and appropriate recording information shall be shown if encumbering this plat, or verification provided that it is off-site or has been released.
- Q. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- R. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- S. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- T. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- U. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- V. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- X. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in

size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.

- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- AA. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- BB. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

NEIL STRAHL, Planning Staff, presented staff report and slides. We have a name change to the street that is causing a problem. County Fire wants it to stay unnamed. The Subdivision Committee did not give it a street name, and the Address Committee wants to appeal that decision because it should have been given a name at platting and not later.

MCKAY When did we name the streets, at the contingent dedication?

JENNIFER CHAMBERS, County GIS and Chairperson of the Address Committee, we want this named now during the platting process. It is possible at a later point someone else could suggest a name that makes no sense, and I have examples where that has been done before. For easements of right-of-ways, the family can choose the name and there is a resolution that can make that change. There was a private street that was turned over to the county and was named by the Engineer that drew the plans. We need the review process so that it makes sense and there is no change or duplication of street names.

WARREN I was at that Subdivision hearing, but this shows a lot split into 11 lots and the applicant wanted it in 8 lots. This is going to be all one lot. What they did for us was show how this will be divided in the future, but to satisfy everybody we will make a contingent dedication. This will show the concept he did not want to name the street. The Fire Department didn't want to name the street either. It is going to be one lot for a long time, and we did not see the need and want to stay contingent.

HENTZEN What would be the address of the one lot?

WARREN 151st Street will probably be the address and then it will be dropped at a later date.

MILLER The Fire Department representative was speaking out of turn, and he should not have been speaking at all. He does not come to the Address Committee meetings, and he was wrong to be speaking on the issue.

WARREN Dale, the Subdivision Committee did ask him to speak if I remember correctly.

LINDEBAK It was shared with me an example of where people who have named streets in east-west direction and north-south with the same name have happened before.

GAROFALO If this was named now and the applicant wanted to change the name later, will it go back to the address committee?

STRAHL Yes.

WARNER The street name at the Subdivision Committee, it wasn't a big deal, we should just change the name to Bluegrass.

MOTION: To change the name to Bluegrass.

MARNELL moved, **GAROFALO** seconded the motion, and it carried (11-0).

4-5. SUB2002-00097 – Revised One-Step Final Plat –HIS HELPING HANDS ADDITION, generally on the south side of 37th Street North and west of Hydraulic

- A. The applicant shall guarantee the extension of sanitary sewer and City water services.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. A reserve needs to be platted along the south portion of the site for detention. Minimum pad needs to be platted. As drainage will be directed onto I-135, a letter shall be provided from KDOT indicating their agreement to accept such drainage.
- D. The plat proposes two access openings along 37th St. **Traffic Engineering** has requested the westerly opening be right turns in/out only and be located along the west property line. The easterly opening should be located in alignment with Bridgeport across 37th Street. Cross-lot access should be provided to the abutting property to the west. Complete access control needs to be dedicated along I-135. Distances should be shown for all segments of access control. The final plat shall reference the dedication of access controls in the platting text.

- E. **Traffic Engineering** has requested additional right-of-way along 37th St. North. The proposed Access Management Policy requires a 60-ft half-street right-of-way width along urban arterials. The plat's text shall note the dedication of the street to and for the use of the public.
- F. A petition should be provided for the paving of 35th St. North.
- G. **City Engineering and City Fire Department** have required a dedication of right-of-way for a turnaround for 35th St. North. **The applicant proposes an off-site dedication.**
- H. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- I. On the final plat tracing, the MAPC signature block needs to reference "Michael E. Lindebak, Secretary".
- J. On the final plat, the MAPC signature block needs to reference "Bernard A. Hentzen, Chair".
- K. The Applicant is advised that if platted, the building setback may be reduced to 20 feet.
- L. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. **Upon the creation of two lots, a waiver will not be required.**
- M. The 25-foot easement for the district court case needs location and description on the final plat.
- N. In the surveyor's certificate and the plat title, the plat name needs to be corrected.
- O. The NE section corner needs to be labeled.
- P. The described distance of 497.14 needs to be moved to the 35-foot right-of-way line.
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARREN** seconded the motion, and it carried (11-0).

4-6. DED2002-00028 – Dedication of Alley Right-of-Way, from Clarence A. Lieber, for property located between Pennsylvania and Hydraulic, north of East Second Street.

OWNER/APPLICANT: Clarence Lieber, 3634 S. 215th Street West, Goddard, KS 67052

AGENT: Austin Miler, P.A., C/O Kim Edgington, 142 N. Emporia, Wichita, KS 67202

LEGAL DESCRIPTION: The east 2.5 feet of Lots 31 and 33 and the west 2.5 feet of Lots 36, 38 and 40, Mathewson Fourth Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of Zoning Case No. ZON 2001-57 for the purpose of constructing and maintaining a public alley.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARREN** seconded the motion, and it carried (11-0).

4-7. DED2002-00029 – Dedication of Access Control, from Clarence A. Lieber, for property located between Pennsylvania and Hydraulic, north of East Second Street.

OWNER/APPLICANT: Clarence Lieber, 3634 S. 215th Street West, Goddard, KS 67052

AGENT: Austin Miler, P.A., C/O Kim Edgington, 142 N. Emporia, Wichita, KS 67202

LEGAL DESCRIPTION: Lots 36, 38 and 40, Mathewson Fourth Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of Zoning Case No. ZON 2001-57 for access control, except for one opening, along Hydraulic.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARREN** seconded the motion, and it carried (11-0).

4-8. DED2002-00030 – Dedication of Street Right-of-Way, from Clarence A. Lieber, for property located between Pennsylvania and Hydraulic, north of East Second Street.

OWNER/APPLICANT: Clarence Lieber, 3634 S. 215th Street West, Goddard, KS 67052

AGENT: Austin Miler, P.A., C/O Kim Edgington, 142 N. Emporia, Wichita, KS 67202

LEGAL DESCRIPTION: The east 20 feet of Lots 36, 38 and 40, Mathewson Fourth Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of Zoning Case No. ZON 2001-57 for street right-of-way along Hydraulic.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARREN** seconded the motion, and it carried (11-0).

5a. Case No. CUP2002-00025 DP262 (Associated with ZON2002-00029) – Thelma R. Smith Revocable Trust c/o Marv Schellenberg (owner); PEC, P.A., c/o Rob Hartman (agent) request the creation of the 37th and Maize Commercial Community Unit Plan At the northwest corner of 37th and Maize Road

AND

5b. Case No. ZON2002-00029 (Associated with CUP2002-00025 DP262) – Thelma R. Smith Revocable Trust c/o Marv Schellenberg (owner); PEC, P.A. c/o Rob Hartman (agent) request Sedgwick County Zone change from "SF-20" Single-family Residential to "LC" Limited Commercial At the northwest corner of 37th and Maize Road

The E 960 ft. of the s 1320 ft. of the se 1/4, S20, T26,R1W of the 6th P.M.; except the n 920 ft. of the w 200 ft. and except street row. Generally located Northwest corner of 37th Street North and Maize Road.

BACKGROUND: The applicant is requesting the creation of a Community Unit Plan on a 22.3-acre tract located on the northwest corner of 37th Street North and Maize Road. The property occupies one-quarter mile of frontage along Maize Road. The proposed C.U.P. has a total of nine parcels and all parcels would be zoned "LC" Limited Commercial.

All uses permitted in the "LC" Limited Commercial district would be allowed except group homes, correctional placement residences, outdoor storage, and asphalt or concrete plants. In addition, Parcels 1, 8, and 9 and would prohibit service stations, convenience stores with gas islands, and vehicle repair, limited, with overhead doors facing residential districts. Also, service stations, convenience stores with gas islands, and restaurants with drive-in and drive-through facilities would be prohibited within 200 feet of residentially zoned property on the other parcels.

The C.U.P. proposes a 30 percent maximum building coverage and 35 percent maximum gross floor area on all parcels. The 35 percent build-out exceeds the amount of gross floor area typically achieved in suburban-type commercial centers and is in conflict with the 30 percent build-out used by the applicant as the basis for the traffic study in conjunction with the C.U.P. request.

Maximum building heights are 35 feet except for Parcels 1 and 2, the two parcels on the northern boundary. Maximum height for these parcels would be 45 feet. Setbacks are shown as 35 feet along the edge of the entire C.U.P.

A screening wall in a five-foot wall easement would be required on the northern and western boundaries of the C.U.P.; however, the type of wall construction is not included in the C.U.P. The C.U.P. requires pedestrian connections between the buildings and the arterial streets, but does not require connections to the residential property to the west, and the C.U.P. requires cross-lot circulation among parcels but does not identify an internal circulation system. It is recommended that the site circulation plan be prepared prior to the issuance of building permits.

Two 35-foot pole or monument signs (one on Maize Road and one on 37th Street North) are requested at a maximum size of 250 square feet. Additional free-standing signage would be monument signs with a maximum height of 20 feet, spaced a minimum of 150 feet apart, with a maximum amount of signage being 0.8 square feet per foot of lineal frontage. This exceeds typical sign allowances in Wichita by not including the 35-foot signs as part of the 0.8 lineal footage calculation and including them within the 150-foot spacing. Standard sign height is 25 feet, but could be increased to 35 feet only by eliminating one freestanding sign for each five feet of height above 25 feet. Limitations on backlit canopies and on wall and window signage, and on lighting standards were not included within the proposed provisions. (See Recommendations section).

The property is currently in agricultural use, as is the surrounding area to the east, north and west. The property to the south is in several large suburban tracts located along 37th Street North and also extending southward along Maize Road. Urban-scale residential development is anticipated to occupy the majority of the square-mile to the south and most of the 80 acres to the east. An undeveloped (agricultural) tract is located to the north of the application area between the proposed C.U.P. and the proposed alignment of the Northwest Bypass. It is likely that commercial development also would be requested for this tract to the north and road connections between these properties would be very important to ensure the usability of this tract.

CASE HISTORY: The area is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Agriculture
SOUTH:	"SF-20" Single-Family	Large lot suburban residential
EAST:	"SF-20" Single-Family	Agriculture
WEST:	"SF-20" Single-Family	Agricultural

PUBLIC SERVICES: Municipal water and sewer services are being extended to serve the site.

Maize is a four-lane county arterial; 37th Street North is an unpaved two-lane township road. Both are classified as two-lane arterial streets on the 2030 Transportation Plan.

Traffic counts were made by Sedgwick County on July 1, 2002, and again on September 4, 2002. Peak traffic was from 4 p.m. to 5 p.m. on the July date. It shifted to 3 p.m. to 4 p.m. for southbound Maize Road on September 4th, reflecting school related traffic. Northbound peak was between 6 p.m. and 7 p.m. The applicant provided a traffic impact study based on the July data and projected development of the shopping center based on a 30 percent gross floor area build-out. The study did not account for increase in background traffic generated by other development in the vicinity, so traffic volumes for 2030 are lower than would be anticipated if all development had been included in the analysis.

CONFORMANCE TO PLANS/POLICIES :

The Wichita Land Use Guide in the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* classifies this area as being on the boundary between the 2010 and the 2030 urban service area, and is shown as low density residential.

The site falls within the area shown on the Land Use Guide as the potential location of the proposed Northwest Bypass. The most likely location of the bypass is 1/4 mile north of the proposed shopping center.

RECOMMENDATION: The proposed site was shown as low density residential on the Wichita Land Use Guide and is located on the boundary between the 2010/2030 urban service areas for Wichita. However, Wichita is in the process of extending water and sewer services to serve this site and other development in the vicinity, including the new Maize Middle School located one mile to

the east at the southwest corner of 37th Street North and Tyler Road. This will make the area available for development earlier within the next year or soon thereafter.

The southern limit for the Maize small city growth area is located ½ mile to the north of the application area. The likely alignment of the Northwest Bypass straddles the property to the north of the application area and the area shown in the small city growth area. The bypass would be an excellent buffer between the municipal boundaries of Wichita and Maize.

A key consideration in reviewing this proposal was to ensure that the nature of the site development and circulation pattern did not preempt the ability to build a potential interchange on the Northwest Bypass at Maize Road. City and county officials indicated that an interchange on Maize is a high priority and one that should not be compromised by this application.

The impact of the proposed C.U.P. on a possible future interchange of the Northwest Bypass with Maize Road between was discussed in a joint meeting of Kansas Department of Transportation officials and city and county transportation staff. While KDOT was unable to guarantee selection of this location for a future interchange, it was agreed that the location and scale of the C.U.P. would probably not deter or influence KDOT's decision whether or not to locate the Northwest Bypass interchange on Maize Road. The transportation recommendations identified in this meeting were viewed as critical to access management necessary to allow for this possible interchange. It also included providing connectivity to the properties to the north and west because of the likelihood that the property to the north would be denied direct access onto Maize Road because of its proximity to a Maize Road/Northwest Bypass interchange.

Based on the recommendations proposed from the meeting between KDOT and city and county staff, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2002-00029) to "LC" Limited Commercial subject to platting of the entire property within one year.
- B. APPROVE the Community Unit Plan (DP-262), subject to the following conditions:
 1. Transportation requirements:
 - a. If KDOT decides to locate the interchange on Maize Road, then there should be no more breaks in access north of the northernmost access opening on Maize Road (1,000 feet north of 37th Street) as proposed on the CUP.
 - b. If KDOT chooses to not build the interchange at Maize Road, the highway-oriented traffic will access the proposed site from 37th Street.
 - c. To ensure adequate and balanced access of adjacent properties to the arterial street system, the CUP should show access/connectivity to properties north and west of the proposed CUP.
 - d. The (right-in / right-out) driveway on Maize Road between parcels 3 and 4 should be eliminated.
 - e. Internal circulation between all parcels should be improved.
 - f. The CUP should show raised center medians on all main driveways to prevent left-turns in and out of adjacent parcels for a distance of at least 150 feet back from the right-of-way line. (Sedgwick County's Access Management Policy requires a corner clearance/ of 150' on collector type streets, and the volume of site-traffic on these commercial driveways are typical of collector streets.)
 - g. The CUP must ensure that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
 - h. Continuous right-turn deceleration lane should be provided along the Maize Road frontage and also along 37th Street up to the major entrance into the CUP.
 - i. The CUP should provide 300-foot long (minimum) raised center-medians at the north and west leg of the intersection of 37th and Maize.
 - j. The CUP should guarantee the cost of configuring and installing a traffic signal, if warranted in the future, at the northernmost entrance on Maize Road (1,000 feet north of 37th Street).
 - k. CUP should provide left-turn lanes with adequate storage for queued vehicles on both Maize and 37th Street.
 - l. The scale and timing of all public and internal improvements should be identified so that there is a distinction between interim improvements (in advance of street or highway improvements) and ultimate improvements.
 - m. Revision to the applicant's traffic impact report is not necessary if the applicant accepts the above recommendations.
 2. A requirement shall be added stating that prior to the issuance of any building permit, a site circulation plan shall be approved for the overall circulation of the C.U.P. that provides for smooth flow of traffic among all parcels, and provides connectivity with the properties to the north and west.
 3. An area for detention shall be identified on the C.U.P. with the area set out as a reserve and the C.U.P. parcels adjusted accordingly.
 4. Maximum gross floor area shall be reduced to a total of 30 percent for the net acreage of the C.U.P. This can be adjusted within parcels to allow a higher gross floor area for Parcels 1 and 2 where an additional height of 45 feet is requested.
 5. All exterior lighting shall be shielded to direct light disbursement downward and away from residential zoning.
 6. Parcels 1-9 shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps, and etc.).
 - a. Light poles shall be limited in height to 24 four feet, except within 200 feet of residentially zoned property where light poles shall not exceed 14 feet in height.
 - b. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.

7. (Replacing General Provision #7): Signs shall be in accordance with appropriate codes with the following additional conditions:
 - a. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150' apart, irrespective of how land is leased or sold.
 - b. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - c. Portable and off-site signs are not permitted.
 - d. Window display signs are limited to 25 percent of the window area.
 - e. No signs shall be allowed on the rear of any buildings.
 - f. All freestanding signs must be monument type and shall have a maximum height of 20 feet. The maximum square footage of sign face allowed in Parcels 1-9 shall not exceed 80 percent of lot frontage.
8. (Replacing General Provision #16): Masonry Walls:
 - a. A six (6) foot high masonry wall shall be constructed along property lines of the C.U.P. in conformance with the provisions of Article, III, Section III.C.2.b(2)(d) of the Unified Zoning Code.
 - b. This solid masonry wall shall be constructed of a pattern and color that is consistent with the building walls.
9. (Add to General Provision #18): and with pedestrian connectivity being provided for residential development to the west.
10. (Add to General Provision #9): No facades that are predominantly metal shall be allowed.
11. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
12. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
13. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
14. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-257) includes special conditions for development on this property.
15. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property to the south/southwest is zoned "SF-20" Single-Family and is in large suburban acreages. Beyond these suburban residences, the rest of the land is agricultural but near the urban fringe and zoned "SF-20" (south, west, east, and southeast) and "RR" Rural Residential (north). Maize Road is a main corridor between west Wichita, with a large commercial node two miles to the south at the intersection of 21st Street North and the city of Maize to the north.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for continued agricultural use, but is on the boundary of the 2010/2030 urban service areas. Wichita municipal services will be extended to the site in the near future, making urban-type development a logical step rather than keeping the property as "SF-20" large lot suburban development. Use of the property at an extremely low density would be contrary to urban-type development recommendations of the *Comprehensive Plan*.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The surrounding area is mostly undeveloped, and Maize Road is a major arterial, with the anticipated interchange for the Northwest Bypass ¼ mile north of the proposed C.U.P. Approval of the C.U.P. with its general provisions should ensure a quality development that should eliminate detrimental impacts on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The proposed use of the property for commercial development is contrary to the *Comprehensive Plan*, which shows the property for low-density (urban-scale) residential development. However, the property is in proximity to Maize Road, the proposed Northwest Bypass, and is two miles away from the closest major retail node at 21st Street North and Maize Road. This makes commercial use, if developed in conformance with the strategies of **Objective III.B** "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses" as appropriate at this location. **Strategy III.B2** recommends to "integrate the development of out parcels in relation to planned retail centers through shared internal vehicular and pedestrian circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. The proposed general provisions, as recommended, embody this strategy.
5. Impact of the proposed development on community facilities: Traffic increases generated by the new commercial development would be substantial; however, the proposed transportation access features and improvements should allow the traffic to be accommodated.

DONNA GOLTRY presents staff report and slides.

They want to develop this as commercial. We anticipate there will be more residential development to the south. They have requested changes to the transportation conditions by reducing the distance of raised center medians from 150 to 100 feet on main driveways and to make detailing of timing and phasing of transportation improvements determined at time of platting. Staff is in agreement. They also are requesting some sign changes. We are suggesting an alternative for the screening wall along the drainage to the west to let both properties use it as an amenity.

Blake out at 2:34 p.m.

HENTZEN Will you show us the slide with the Northwest Bypass on the slide?

MCKAY Where is the Maize "Area of Influence"?

GOLTRY Three miles.

WARREN Two cities would share that Wichita and Maize?

GOLTRY The Comprehensive Plan shows "small city growth areas" as the limits when they overlap.

GAROFALO Where is the Wichita city limits?

LINDEBAK The area in blue.

GOLTRY Staff is recommending approval, subject to platting and conditions.

GAROFALO From statements you read from the applicant, does that change any of these conditions?

GOLTRY No, it does not change any of the conditions. Maize heard this application and is recommending approval.

BARFEILD The County access management policy was just formalized in the last 60 days, right? Why are we making exceptions to it already?

GOLTRY I really don't have that answer.

MEHTA I think it is another one of those things that the County hasn't approved this yet. We saw the site plan layout, and we had given them only three drives already.

BARFIELD Just right above there, they want the right in and out to be eliminated?

MEHTA There is one right in and right out, and that is fine. They had another right in and right out between those driveways. We thought it would be appropriate to eliminate this other right-in/right-out drive between Parcels 3 and 4 since the parcels already have direct access.

ROB HARTMAN, P.E.C. We have been tweaking this thing as we got down here to the meeting. I would like to clarify that on Item 1C, where we wanted street connection on the north and the west to the residential property; we don't think that would be a very good connection. These are all residential streets on the development to the west. On the traffic improvement, the developer is not opposed to 37th and Maize. It is a matter of when and how much needs to be done, and he is willing to pay his fair share. There is probably going to be commercial development on the other three corners, and he wants them to pay their share too. Item #1 is talking about traffic signals, and ins and outs, he doesn't mind paying his way, but at the time of platting we will look at the development. There is not very much traffic out there right now, but we see some development coming in the future, and we want everyone to pay their own way. We would be willing to participate.

WARNER You want to delete those traffic improvements until the platting stage?

HARTMAN Yes. For the maximum floor area to 30 percent, we think the two parcels on the north might be a motel site, and we would like to put one-forty percent floor area on those two. On Item 7, I think we would like to have the opportunity to have a larger sign on Parcel One and Parcel Two if the highway develops, and these parcels are used as a motel site; we would want a higher sign. We want to waive the wall requirement. On 7F, we would like to have one sign to go 25 feet in height, and Donna said that would be permitted if we would reduce our number of signs on the 37th Street frontage by one, and that would be allowable. We did meet with Maize, and the developer's main concerns would be that services would be adequate.

WARREN We are not approving any of this until after the plat. Most of this Maize would be deciding? How are these changes going to be left between you and Donna?

GOLTRY I have them all written out except a few.

HARTMAN I am comfortable working with staff.

GOLTRY I did not think we were taking out the traffic recommendations, though.

HARTMAN We are in agreement with that.

GAROFALO The additional height of 45 feet that is requested, is that for Parcel 1 and 2?

HARTMAN Yes, 1 and 2 if there is a motel use there only.

GOLTRY Please look at our Condition number 4.

CAROL BLOODWORTH, City of Maize Administrator, First of all, I would like to point out some things on the map for you. The growth area for Maize Schools and the Northwest Bypass. We must serve these people with sewer and the Maize Growth area will probably not be much. We have about 6,000 children going to Maize right now. These materials were delivered to our Planning Commission the day before the Maize meeting, and our Planning Commission needs more time to review these things.

WARNER I don't understand what we are going to do, this has nothing to do with water or sewer right now.

BLOODWORTH The staff report says that water will be supplied by Wichita. The staff report does not say that it may or may not be supplied by Wichita, but that it will, and we want Maize to have the ability to supply water and sewer.

MCKAY This sheet of paper says that the City of Maize Council has approved the sewer study for this area and has given unanimous approval to the construction of sewer services south along Maize Road to serve current residents within 550 feet of this location and serve this property.

RICHARD LAMUNYON, Operations Manager for City of Maize, We have water there, and we want it to be known that it is not a known thing yet that the services are going to be done by the City of Wichita. Why not the City of Maize?

WARREN Water and sewer are readily available, and the area is being serviced by Maize, and you want the staff report to reflect that?

WARREN This currently is not being serviced by Wichita or by Maize, but on sewer you are finding a way to provide sewer to the area?

LAMUNYON Yes, we have something already in the area, and during our process we wanted to extend into this area. We have a waterline that starts in the area of 29th and 119th, and it comes a little bit north and follows the power line, and then comes straight north to the City of Maize. We do not have sewer in the ground at this point, but we want to provide the service.

GAROFALO The water line, is it now serving any customers?

LAMUNYON No, it is a brand new water system and comes on line next month. The water comes from 29th and 119th.

GAROFALO Are there going to be hook ups?

LAMUNYON Yes.

GAROFALO Doesn't the applicant have the right to hook up to whomever he wants to by right?

LAMUNYON Wichita doesn't have water there yet, and we are going to have water in there as well, so why not hook up to Maize? Maize has just as good standards for water as Wichita.

HENTZEN How far away from this site is the new Maize school?

LAMUNYON It is at 37th and Tyler. It is in the City of Wichita. Wichita will serve water there.

MCKAY Show me on the map where the water line is?

LAMUNYON Shows on the map.

WARREN Your concern is who is going to annex this area Maize or Wichita?

LAMUNYON Right.

MCKAY Where are the Wichita's water lines presently?

LINDEBAK Tyler up to 37th, one at 29th and Maize Road, and currently Wichita is in the process of designing the water line to Maize at 37th. The second line is going to serve the area up to the bypass between Maize Road and 119th Street, and that line will be extended up to 37th Street. Anybody that hooks into it can have service from Wichita.

MCKAY Is there any way that the City of Maize and the City of Wichita can work out the utilities? This seems to be like Bel Aire and Park City. I don't want to get the developer caught in the middle with special assessments.

LINDEBAK The services and all that should go with the plat at that time. Wichita Water and Sewer plan the service lines so you get pressures, and all that will be at 37th Street, and to the east. In addition there will be a Wichita water tower at 135th with the sewer treatment plant.

MCKAY That is what I am saying. The City of Wichita and the City of Maize are not communicating.

LINDEBAK Neither Wichita or Maize can put an assessment on that property unless the developers agrees to it. They will not get a duplicate assessment.

MCKAY This is one of the fastest growth areas in Wichita. Why not defer this for 30 days? The City of Wichita says one thing, and the City of Maize says they are doing this. Why do we want to spend tax money to do all this?

MILLER What you are looking at is the recommendations adopted by the Comprehensive Plan by the City and County. It gives the time frames as 2010 and 2030 for the service areas.

MCKAY But the Comprehensive Plan does say that we should cooperate with the City of Maize and surrounding communities.

BARFIELD Is the City of Wichita wanting to annex this land?

LINDEBAK I don't think Wichita has any plan to annex out there; they come at the request when development occurs. There is not a plan at all that I am aware of. Wichita provides services to areas that they plan to develop.

GAROFALO I agree with Commissioner McKay, but it does not make any sense to duplicate services, and it is an additional expense that either the City of Maize or the City of Wichita are not talking about, and we are not making any sense. The Comprehensive Plan is fine, but there are exceptions and the two City's need to get together.

WARNER The people are here that are concerned with a statement made in the staff report. If we take out the wording on page 3 on public services that says "municipal water and sewer service is being extended by the City of Wichita to serve the site" that addresses the issue.

LINDEBAK You could simply say "that public water and sewer are available to the site" and not indicate which City will provide the services.

MOTION: Approve, subject to staff conditions and to change the wording that public services are available, and take out the wording that indicates which City will provide those services.

WARREN moved, **WARNER** seconded the motion.

SUBSTITUTE MOTION: Defer this Item for 30 days.

MCKAY moves **GAROFALO** seconded the motion.

ANDERSON How is that going to happen? How are you going to get these bodies to sit down? I think Planning Commission has the authority to make the decisions on this.

BISHOP I am not going to support the motion. I don't think it is fair to the applicants. So this will happen at the time of platting. We can use these minutes of the meeting to say one way or the other how we feel.

MARNELL I have a question for the applicant. Are you in favor or opposed to the deferral for 30 days?

HARTMAN I am opposed to it.

HENTZEN Let's take a vote and see where we all stand on the motions.

SUBSTITUTE MOTION: Vote on the substitute motion failed.
(2-8) **MCKAY** and **GAROFALO** in favor of substitute motion.

MOTION: Approve, subject to staff conditions and to change the wording that public services are available and take out the wording that indicates which City will provide those services.

WARREN moved **WARNER** seconded the motion, and it carried (9-1) **MCKAY** opposed.

The Metropolitan Area Planning Department informally adjourned at 3:15 p.m.

State of Kansas)
Sedgwick County) ss

I, Mike Lindebak, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2002.

Mike Lindebak, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)